IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 15733 of 2007(W)

PETITIONER:

MATHEW S.P., U.P.S.A. LUTHERGIRI U.P.S.
ARYANADU, RESIDING AT ANUGRAHA, NEAR R.C. CHURCH,
PERINGAMMALA, KALLIYOOR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR
SMT.SUSHYA RAJAN

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION (F)
DEPARTMENT, GOVERNMENT OF KERALA SECRETARIAT,
THRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE ASSISTANT EDUCATIONAL OFFICER,
NEDUMANGAD, THIRUVANANTHAPURAM.

4. THE MANAGER, LUTHERAN SCHOOL,
THIRUVANANTHAPURAM SYNOD, CALVARY LUTHERAN CHURCH,
PEROORKADA, THIRUVANANTHAPURAM-5.

BY GOVT.PLEADER SRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/6/2007, THE COURT ON 30/07/2007, DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 15733 of 2007

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Dated this the 30th day of July, 2007.

J U D G M E N T

Petitioner was appointed as UPSA in Luther Giri U.P. School, Aryanadu by respondent No.4 on July 3, 2006. His appointment was refused to be approved by the Assistant Educational Officer, Nedumangad by Ext.P4 order. The order of the Controlling Officer rejecting approval has been challenged by the petitioner before respondent No.2 in Ext.P5 revision petition. The limited prayer is to issue a direction to respondent No.2 to take a decision on the said revision petition.

2. I do not propose to deal with the contentions raised by the petitioner elaborately, since today I have disposed of WP.4513/2007 relating to the dispute in the management. In my view, this writ petition can be disposed of with appropriate directions to the authority concerned to take a decision in the matter, in the light of the judgment referred to above.

3. Writ Petition is disposed of with a direction to respondent No.2 to consider and pass orders on Ext.P5 revision petition strictly on its merit and in accordance with law, and also keeping in view the judgment rendered by this Court in WP.No.4513/07 and also the judicial precedents in Manager, St.Marys's H.S. v. Beji Abraham (2002 (1) KLT 406), Padmanabhan Nambiar v. Govt. of Kerala (1997 (2) KLT 725) etc. Needless to mention, petitioner and the Manager shall be afforded sufficient opportunity to be heard, before any decision is taken in the matter.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.2 for compliance.

A.K. Basheer
Judge.

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